

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs,

v.

HEWLETT-PACKARD COMPANY,

Defendant.

Case No. 14-cv-03643-CW (DMR)

ORDER RE DISCOVERY LETTERS

Re: Dkt. No. 116, 140, 144

On July 9, 2015, Defendant Hewlett-Packard (“HP”) issued a document and deposition subpoena to third party SanDisk Corporation. On October 7, 2015, Plaintiffs and HP attended the deposition and questioned SanDisk’s corporate representative. On October 16, 2015, Plaintiffs filed a motion to compel a continuation of SanDisk’s deposition. [Docket No. 116.] Plaintiffs argued that they should be entitled to reopen the San Disk deposition because they were not provided a sufficient opportunity to review approximately 900 pages of documents consisting of computer source code and a circuit board photo produced by SanDisk shortly before the deposition. In response, HP argued that Plaintiffs did not have standing to seek such relief, because the San Disk subpoena had been served by HP. *Id.* Plaintiffs did not address the issue of standing in the joint discovery letter. *Id.* On November 25, 2015, the court ordered supplemental briefing on the issue of Plaintiffs’ standing to compel compliance with the subpoena served by Defendant on SanDisk. [Docket No. 137.]

In the supplemental briefing, HP argued that Plaintiffs did not have standing to move to compel, and that Plaintiffs’ motion was moot because Plaintiffs had served their own subpoena on SanDisk and thus would have an opportunity to obtain further deposition testimony. [Docket No. 140.] In Plaintiff’s supplemental briefing, Plaintiffs conceded that they were not aware of any precedent addressing the issue of their standing to move to compel compliance with a subpoena

1 issued by another party, but argued that they should have a right to continue the deposition of
2 SanDisk without issuing their own subpoena. [Docket No. 140.] Plaintiffs also acknowledged
3 that they had issued their own subpoena to SanDisk. *Id.* at 2. In a further submission, Plaintiffs
4 assert that the issuance of their own subpoena did not moot their motion to compel compliance,
5 because Plaintiffs anticipate that SanDisk will file a motion to quash the subpoena, or for a
6 protective order. [Docket No. 144.]

7 Plaintiffs' speculation about SanDisk's response to their subpoena does not present a ripe
8 dispute. In light of the fact that Plaintiffs have served their own subpoena on SanDisk, the court
9 finds that Plaintiffs' motion to compel a continuation of SanDisk's deposition taken pursuant to
10 Defendant's subpoena is moot. If a dispute arises regarding Plaintiffs' subpoena, the parties shall
11 promptly meet and confer about the dispute, and shall file a joint discovery letter if appropriate.

12 Plaintiffs' motion to compel the continuation of SanDisk's deposition [Docket No. 116] is
13 denied as moot. This order resolves the discovery letters filed as Docket No. 116, 140, and 144.

14 **IT IS SO ORDERED.**

15 Dated: December 17, 2015



16 Donna M. Ryu
17 United States Magistrate Judge
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